

Elect
MICHAEL J.
MURTAGH
Mayor



MICHAEL J. MURTAGH
Candidate for Mayor

FELLOW CITIZENS OF PEABODY:

The primary election is next Tuesday, October 6. On that day you are to nominate two candidates for mayor, and to elect one of the two on Tuesday, November 3, of this year. I think that every good citizen will agree with me that it is of the utmost importance for the welfare of our people that a man of character, ability and integrity be elected to manage the city's affairs for the next two years.

This year, as every one of you knows, there are four candidates for mayor. Out of the four candidates for mayor there are three who have a record as public servants of your city.

It becomes the duty of every citizen to examine thoroughly the record of each one, including myself, for the purpose of making the right selection of the man who would be capable of giving you a good administration. I have adopted a simple method which will help you in making that decision. I am going to ask the mayor questions of what he has done in some cases and the reasons for his action. The Mayor and I have agreed that he will call me Mike and I will call him Phil in the following dialogue, and each of us agreed further to tell the truth and nothing but the truth in order to give you people an opportunity to decide for yourselves whether or not the Mayor, in acting as he did, was acting for the benefit of the parties that were involved or for his own benefit and the benefit of his friends.

CASE NUMBER ONE

BOARD OF APPEALS OF THE CITY OF PEABODY

The Board of Appeals, consisting of three members, has been in existence and functioning in our city during the last eight years under Mayor O'Donnell. Practically every one of you who are reading this letter of mine has knowledge that the function of the Board of Appeals of our city is of great importance. It has power under the laws of the Commonwealth to consider and render decisions of importance in cases where property rights are involved and every decision of this board affects the rights of the parties involved in each case one way or another. This board has the power to give variances from our zoning ordinance including permits for gasoline stations, gravel pits, and commercial and industrial buildings in residential areas.

Under Chapter 40A of the General Laws of this Commonwealth, the decisions of the Board of Appeals must be unanimous. It is commonly known that Mayor O'Donnell had control of this board in its decisions at all times on cases of great importance through his former brother-in-law, Mr. Jean J. Chalifour. Mayor O'Donnell appointed Mr. Chalifour as the Chairman of the Board of Appeals on February 25, 1954, and Mr. Chalifour continued from that date to September, 1958, deciding in all cases as Chairman of said Board.

General Laws, Chapter 40A, Section 14, says:

" . . . that any Board of Appeals established hereunder shall consist of at least three members, who shall be appointed by the Mayor, subject to the confirmation of the City Council, for terms of such length and so arranged that the term of all appointments shall expire each year; and said Board shall elect annually a Chairman from its own number."

The Mayor in violation of the statute appointed Mr. Chalifour as Chairman of that Board, and during the time that Mr. Chalifour held office, the Mayor and Mr. Chalifour were making the decision in every case that came before the Board of Appeals.

Those facts are a matter of record. Now, ladies and gentlemen, let me ask a few questions of His Honor, the Mayor.

Mike: Phil, did you know when you made this appointment of Mr. Chalifour as Chairman of the Board of Appeals of the existence of this statute that prohibits your making an appointment of the Chairman of the Board of Appeals?

Phil: I made the appointment of Mr. Chalifour as Chairman because I wanted to have control of the Board of Appeals.

Mike: Did you have control of the Board of Appeals in its decisions in various cases during the time that Mr. Chalifour acted as Chairman of that Board?

Phil: Yes, I did.

Mike: During that period that Mr. Chalifour acted as Chairman, did you ever ask your City Solicitor whether Mr. Chalifour was acting illegally as Chairman?

Phil: Yes, I did.

Mike: What was his advice?

Phil: His advice was to let Mr. Chalifour continue as Chairman.

Mike: Phil, is it true that Mr. Chalifour is your former wife's brother?

Phil: That is true.

Mike: How long did he serve as Chairman of the Board of Appeals?

Phil: He served as Chairman of the Board of Appeals from February, 1954, to September, 1958.

Mike: When did his term expire as Chairman of the Board of Appeals?

Phil: December 31, 1957.

Mike: Isn't it a fact that you as Mayor sent Mr. Chalifour's name for reappointment to the City Council and the City Council rejected his nomination twice, once on April 10, 1958 and again on April 24, 1958?

Phil: That is the truth.

Mike: Isn't it true that after the rejection of Chalifour's nomination by the City Council that you kept him on the Board of Appeals as Chairman until sometime in September, 1958, at which time you sent the name of Mr. Leonard Clark to be Chairman of the Board of Appeals?

Phil: That is correct.

Mike: Did you know that after the rejection of Mr. Chalifour's nomination by the City Council on April 24, 1958, that it was your duty under Chapter 39, Section 1 of the General Laws to send the name of another person within one month after the time of the rejection by the council?

Phil: I refuse to answer on the ground of incriminating myself.

Mike: Did you know that after the rejection by the City Council of Chalifour's nomination that he was acting illegally in taking care of matters pertaining to the Board of Appeals of our city?

Phil: I refuse to answer on the same ground.

COMMENT by Michael J. Murtagh:

Now, friends, according to the record and also the admissions by the Mayor, the facts established are that Mr. Chalifour was the brother-in-law of the Mayor, and despite the fact that the Mayor knew that in accordance with the Charter and statutes of this Commonwealth, Mr. Chalifour was acting

illegally as Chairman and illegally as a member of the Board from December 31, 1957, to September, 1958, a period of nine months, the Mayor kept Mr. Chalifour on this Board. The record shows that during that period numerous cases came before the Board of Appeals, and Mr. Chalifour not only was voting in every case but deciding as a member of the Board and as Chairman of the Board. In view of the fact that the statute creating the Board of Appeals provides that there must be a unanimous decision in every case, Mr. Chalifour and the Mayor had control of every case that came before that Board during that period.

That is not the whole story. After the Mayor had to appoint another person because Mr. Chalifour was forced to stop acting as Chairman in September, 1958, by Court action, the Mayor sent the name of Mr. Leonard Clark to the City Council to confirm his appointment as Chairman of the Board of Appeals, which is contrary to the statute cited above. This record shows that this Mayor has no respect for the law. He makes appointments of men whom he can control to serve him and not the citizens of this Community. In order to get control of the Board of Appeals after Mr. Chalifour was forced to vacate the office, the Mayor again appointed a Chairman in order to control the Board of Appeals, which he is doing through Mr. Clark to this day.

CASE NUMBER TWO

Ernest Adams vs. the City of Peabody. City officials demanded that Mr. Adams pay \$800 for the connection of the water supply to his house at No. 100 North Central Street, Peabody

Mr. Adams and his family (wife and two children) while living in a rented apartment built a house of their own at 100 North Central Street, Peabody. Being a working-class family they couldn't afford to have a builder build the house and so they built it themselves. The house was completed sometime in September, 1958. Mr. Adams thereupon filed an application with the Water Department of the City of Peabody for connection of his house with the

water system of the City of Peabody. The Water Department made the connection sometime in September, 1958 and the Adamses used the city's water supply for a period of three weeks at the end of which the water supply was cut off by the Water Department without giving any notice to the Adamses. (Evidence of the connection is a bill which was received from the Water Department to Mr. Adams for \$7 for water).

Mr. Adams immediately went to see Commissioner McCarthy of the Public Works Department protesting the shutting off of the water supply to his house. The Commissioner told him to go to see the City Solicitor because he couldn't supply the water unless he had an order from the City Solicitor, Abraham Ankeles. Mr. Adams went to the City Solicitor's office and was told by the City Solicitor that he would get the water provided he was willing to pay for it. He then asked Mr. Adams how much it was worth to him to get water. Mr. Adams, who was desperate by this time, said \$200. The City Solicitor said that \$200 wasn't enough to cover the paper work and told him it would cost him at least \$800. Mr. Adams refused to consider that amount and as a result he got no water. After that he went to see the Mayor in his office. After telling the Mayor the story of what the City Solicitor demanded in order to get the water, the Mayor said that connecting his house with the water system was a "HOT POTATO", as he called it, and he was not going to touch it. He advised him to go back to see the City Solicitor. Mr. Adams went back to the City Solicitor and pleaded to have the city's water connected to his house, but he was told that he would not get the water unless he was willing to pay \$800 because the main pipe of the water system was owned by Nick Pappas, and he suggested that Mr. Adams go see Mr. Pappas. Mr. Adams refused to go see Mr. Pappas and went back to Commissioner McCarthy pleading again for the connection of the water supply to his house. Commissioner McCarthy told him that he would get no water unless he brought written permission from Nick Pappas because the Commissioner said those were the orders he had from the City Solicitor.

Nick Pappas is a resident of Peabody and conducts a liquor business on Central Street, Peabody.

Mr. Adams refused to go to Nick Pappas but Nick Pappas sent word by another person to Mr. Adams to the effect that he could get the water if he wanted to pay the \$800. Mr. Adams refused to pay and got no water. Therefore, Mr. Adams was compelled to retain a lawyer who wrote a letter to the Mayor, the City Solicitor, and Commissioner McCarthy threatening to bring a legal action against those three officials unless the connection of the water was made immediately. As a result of that letter, the water connection was made on August 27, 1959.

The record shows that the family because they didn't have any water were forced to stay in an apartment paying rent from September, 1958, to August, 1959.

Those, ladies and gentlemen, are the facts briefly of the Adams case. Now, let me ask His Honor, the Mayor, a few questions to see if we can get the reason why he ordered Mr. Adams to pay \$800 to Nick Pappas:

Mike: Phil, will you give us the reason why you punished the Adamses who are members of our community called the City of Peabody, and why you wanted them to pay \$800 to Nick Pappas.

Phil: I cannot give any reasons because if I do I would incriminate myself.

COMMENT by Michael J. Murtagh:

Do these facts show that the Mayor was conducting this case for the benefit of the Adams family or for the benefit of himself and Nick Pappas and the City Solicitor? What business did the City Solicitor, Abraham Ankeles, have in representing the city to be demanding that Mr. Adams pay \$800 in order to get the water supply to his house? Is the conduct of the Mayor and the City Solicitor in this case a proper conduct in forcing the family to lose several hundred dollars in rent, plus aggravation because of the fact they couldn't get any water in their home? Place yourselves in the position of the Adams family and you will be able to realize how the Adamses felt in this case.

I have to tell you that these officials, the Mayor and his City Solicitor, were acting contrary and in violation of the special acts and the provisions of Section 38 of Chapter 40 of the General Laws. The legislature granted to the City of Peabody the right to establish and maintain a water system to provide water for its citizens. So the refusal by the Mayor and his City Solicitor was a clear violation of the law and renders the City of Peabody liable for such action.

In view of the fact of what has happened in this case, I want to make it clear to everyone that is reading this letter that I make no criticism of Commissioner McCarthy for his actions in this case because I know that under our Charter he has to do what he is told by the Mayor and the City Solicitor.

CASE NUMBER THREE

Mrs. Margaret Sabino vs. the City of Peabody

Requested by the city officials to pay \$750 for drinking water

The facts in this case are briefly these: Mrs. Sabino, her husband and eight children were living at 113 Andover Street, Peabody. Her house and land were taken by the Commonwealth of Massachusetts for widening Route 114. After that Mrs. Sabino bought back her house from the State, and sometime in December, 1957, she had the house moved to 82 North Central Street where she is living now. Immediately after the house was moved, Mrs. Sabino went to see the Mayor for the purpose of getting water in her house. She was advised to go to see Commissioner McCarthy and the Commissioner advised her to see Nick Pappas and procure written permission from him because he said Nick Pappas owned the main pipe of the Peabody water system. She went to the Mayor again and the Mayor told Mrs. Sabino that he could do nothing about it. Mrs. Sabino kept going to the mayor's office thereafter from time to time pleading with him to give her water because she couldn't live in her house without water. She was advised by the Mayor to go see Nick Pappas. Mrs. Sabino did go to see Nick Pappas at his package store on Central Street, and Mr. Pappas told her that she could get the water if she was willing to pay \$750. She refused to pay and got no water. As a result she was forced to live in another house paying rent of \$20 per week for a period of 1½ years thus costing her \$1,500. Finally she was forced to have a well dug for the purpose of procuring water. This well cost Mrs. Sabino over \$700.

That is what happened to Mrs. Sabino and her family. The Mayor put this matter into the hands

of Nick Pappas who refused to give written permission to allow Mrs. Sabino to tap "his" pipe.

Let me ask the Mayor one or two questions now:

Mike: Phil, will you tell us why you put this case, the use of the Peabody water system, into the hands and control of Nick Pappas and caused Mrs. Sabino and her family to suffer so much in mental anguish and also in spending so much money?

Phil: My answer is that I refused to give Mrs. Sabino the city's water because I was following the advice of my City Solicitor.

Mike: Were you going to receive any part of the \$750 if it was paid to Mr. Pappas?

Phil: I refuse to answer on the ground of incrimination.

COMMENT by Michael J. Murtagh:

Again I have a situation where the Mayor and his City Solicitor, in refusing to give Mrs. Sabino the use of the City's water supply, violated the provisions of the statute under which our city has established and is maintaining a water system for the use of its residents. This is again a clear case where the Mayor refused to give a citizen service required under the law, but rather tried to force a citizen to pay money which he had no right to do.

CASE NUMBER FOUR

City Solicitor's Department

Let us now examine the record of this legal department to see how the Mayor and the City Solicitor have been using that department.

Mayor O'Donnell took office as Mayor on January 2, 1952. Under our Charter, the Mayor has the power to appoint a City Solicitor without confirma-

tion by the City Council. He appointed Mr. Daniel Tumelty who died sometime in the summer of 1956.

It is publicly acknowledged that Mr. Tumelty during his period of office rendered to our community an honest and efficient service as City Solicitor. Mr. Ankeles took office on August 30, 1956, and has been serving to this day.

Now, let us see what his record is since he has taken office. He has been writing legal opinions contrary to law to suit the Mayor. The Electric Light Plant case is an example. He admitted that this official written opinion was contrary to his opinion given to the public orally, and in order to cover himself, he went around and told everyone that he had to comply with the Mayor's wishes.

There are a good many other opinions on record that the City Solicitor rendered contrary to law in order to suit the Mayor and himself.

The City Solicitor, Mr. Abraham Ankeles, has contrary to and in violation of the law and his duties as City Solicitor appeared and represented various persons before the Board of Appeals of the City of Peabody in the following cases:

- (1) On December 5, 1956, he appeared before the said Board representing the Peabody Housing Authority, which is not a part of our city government, seeking a variance of zoning regulations from a single residence to apartment type multiple dwellings.
- (2) On December 29, 1958, the City Solicitor appeared for Mr. Henry Hayes of 14 Emerson Street, an abutter in opposition of a petition by Daniel Tsouris for a variance of the zoning ordinance.
- (3) On July 29, 1959, Mr. Ankeles appeared before the Board for the Peabody Housing Authority, again seeking a variance on land on Central Street and Sparrow Lane.
- (4) Petitions by Campanelli Builders, Inc., for variances in regard to Lot 164A on Upham Street and Lot 133A, Donna Street, Peabody, were signed and submitted by the said corporation to the Board of Appeals but the record of the minutes of the meetings on November 13, 1956 and December 3, 1956, show that Abraham Ankeles, the City Solicitor, appeared at the hearings, and represented the petitioner.

There are many other cases where the City Solicitor has violated his duties because instead of representing the city, he has been representing himself or his private clients.

Councillor Brennan last Thursday made a statement in the City Council to the effect that if the city is looking for land for parks and playgrounds in West Peabody, it should go to the City Solicitor because he owns a great deal of land there. The Mayor, who happened to be there, got excited and tried to attack Councillor Brennan, but the President of the Council stopped him. Was Councillor

Brennan right? Let us now see the record of the Registry of Deeds of Essex County which shows the following record:

In Book 4431, Page 307, there is a Declaration of Trust recorded and the sole trustee for life of that trust is Abraham Ankeles. This is a real estate trust by which Mr. Ankeles is controlling land in West Peabody and elsewhere which he acquired after his appointment as City Solicitor. A real estate trust of this kind is a device used by clever lawyers to conceal who the real owners of the land are.

In Book 4431, Page 311, there is a deed from Campanelli Builders, Inc., dated 12/30/57, conveying to said Abe Ankeles, as trustee of said trust, the following lots of land:

Lots of land in Jordan Acres as follows: Lots Number 235, 236, 280, 281, 282, 20, 21, 22, 23, and 24.

The deed conveying the above 10 lots shows no revenue stamps. Apparently the conveyance was made to Mr. Ankeles without his having to pay a dime for them.

Was this a pay off for representing Campanelli Builders in the cases above cited before the Board of Appeals?

So, Councillor Brennan was right, according to the record. Since the night that the Councillor made that charge, no word has been heard from either the City Solicitor or His Honor, the Mayor.

Let me ask some questions of His Honor, the Mayor, to see what his answers are going to be:

Mike: What do you say, Phil, was Councillor Brennan right in telling the Council and the Public that the City Solicitor was the owner of land in West Peabody?

Phil: I have no knowledge of Mr. Ankeles' ownership of any land in that area.

Mike: Do you have any knowledge that Mr. Ankeles, your City Solicitor, was appealing in these various cases cited above?

Phil: Of course I did.

Mike: Did you know that your former brother-in-law, Mr. Chalifour, voted in favor of the petitioner in every case that the petitioner was represented by Mr. Ankeles?

Phil: Yes, I did, but I thought that he was doing the right thing by the city (and by me).

COMMENT by Michael J. Murtagh:

I do not have to cite any more cases of fraud and graft by our present administration. There are many more cases of fraud perpetrated in exploitation of the city, but I feel that it would be unnecessary to cite them. The cases submitted to you up to this point are sufficient to convince you of the corruption that exists in our City Hall.

In presenting these cases showing the Mayor's conduct, I feel that I have done my duty as a candidate for Mayor at this time. The present Mayor has been conducting your city for eight years now. The Mayor made a statement that he was not going to run for a third time. He is running again for Mayor of your city seeking a fifth term despite the fact that he got a job recently as a State ABC Commissioner at a salary of \$150 per week for one after-

noon a week. Why has he changed his mind? What is his motive? Has he recently acquired a new interest in the welfare of the city, or is it because he wants to perpetuate himself in the City Hall so that he can take care of his own interests?

As you must have guessed the dialogue which I have set forth between the Mayor and myself did not actually take place, but these are the questions which I would have asked him, if I had the opportunity to do so, and the answers are those that he would have had to give if he were going to tell the truth. I have put it in this fashion because I feel it is the most effective way to give you the true story of what is going on in our city today.

Now that you have the truth of the Mayor's record, what are you going to do? Are you going to put him in office again for another two years? That is the decision that you alone have to make, as citizens and guardians of this community.

Sincerely yours,

MICHAEL J. MURTAGH
81 Auburn Road, Peabody

*If you see fit to elect me as your Mayor
here is what I am going to do:*

MURTAGH'S PROGRAM

for a

GROWING PEABODY

1. Development of new playgrounds for the new sections of the city and rehabilitation of existing playgrounds.
2. Strict enforcement of health laws relating to piggeries.
3. Strict enforcement of zoning laws and an end to illegal gravel pits.
4. Leadership in planning the future development of the city.
5. Leadership for quality in our educational system.
6. A kindergarten system for our younger children.
7. Honest administration for the benefit of all without regard to nationality, creed, race or political affiliations.
8. Efficient and economical government.
9. Adequate pay for city employees in return for a full day's work.
10. Active efforts to expand our industrial potential.
11. Expansion of sewerage facilities to meet the needs of our community.
12. Adequate facilities for education of our children.

Now, if you decide to throw out of the City Hall this corrupt administration, please go out and vote. I am convinced that every conscientious and honest citizen of our city wants an honest administration.

I am sure that the majority of those reading this letter will come to the conclusion that the present administration should be eliminated at this coming election.

If you want to do that, go out and vote on Primary Day, Tuesday, October 6, between the hours of 10 A.M. and 8 P.M. for Michael J. Murtagh, Candidate for Mayor.

Sincerely yours,

MICHAEL J. MURTAGH,
8 Laurine Road, Peabody.